Joint Standing Committee on Natural Resources

LD 646 **An Act to Create a Process for Identifying New Owners for Dams or Releasing Current Owners from Water Maintenance Obligations** PUBLIC 630

Sponsors(s)	Committee Report	Amendments Adopted
HANLEY	OTP-AM	S-484

LD 646 proposed to reenact the law allowing a dam owner to abandon ownership of a dam under certain circumstances, and requiring the State to assume ownership of the dam. This bill was carried over from the 1st Regular Session of the 117th Legislature. A staff study on the issue of dam abandonment was performed during the legislative interim and presented to the Natural Resources Committee at the beginning of the 2nd Regular Session.

Committee Amendment "A" (S-484) replaced the bill. It proposed to provide a formal process through which a dam owner would seek a new owner for the dam and, if a new owner was not found, would require the Department of Environmental Protection to issue an order requiring the current owner to release water from the dam. This water release order would relieve the dam owner of any obligation to maintain a water level to meet the needs of persons other than the owner.

Under the process proposed in the amendment, the owner of any dam not licensed by the Federal Energy Regulatory Commission would petition the Department of Environmental Protection to begin the process and would publish newspaper notice and send individual notice to interested parties (municipalities, tribal governments, abutting property owners, the Department of Inland Fisheries and Wildlife, the Department of Conservation and the Maine Emergency Management Agency). The amendment proposed to require that a local government notified of this process hold a public meeting to discuss the issue of dam ownership.

If none of the interested parties wished to assume ownership of the dam following consultation with the dam owner, the state agencies involved (Conservation, Fisheries and Wildlife, Emergency Management) would be required to evaluate the public value of the dam and to assume ownership if the public interest warranted assumption. The public interest would be determined by weighing factors such as the cost of maintaining the dam, the benefit of maintaining the dam and the benefit of releasing water from the dam.

If a department did not assume ownership of the dam, the Department of Environmental Protection, following public notice of intent to issue an order, would issue an order requiring the dam owner to release the water from the dam.

The amendment would allow a dam owner to request that compensation be paid for any transfer of dam ownership, but if the request for compensation prevents the transfer of the dam, the dam owner would not be entitled to proceed through the process.

The amendment also proposed to specify that governmental entities protected by the Maine Tort Claims Act are not liable for tort claims due to their construction, ownership, maintenance or use of dams.

The amendment proposed to allow the DEP to set water levels for dams not yet determined to be under the jurisdiction of the Federal Energy Regulatory Commission.

Enacted law summary

Public Law 1995, chapter 630 creates a formal process through which the owner of a dam that is not federally-licensed may seek a new owner for the dam. The owner must notify and consult with municipalities, tribal governments, abutting property owners and the state departments of conservation, inland fisheries and wildlife and emergency management. The purpose of the consultation is to attempt to locate a new owner for the dam from among persons and agencies with an interest in maintaining the dam. If a state agency (Conservation, Inland Fisheries & Wildlife or Emergency Management) finds that the public interest warrants state assumption of the dam, the agency must assume ownership. The public interest would be determined by weighing factors such as the cost of maintaining the dam, the benefit of maintaining the dam and the benefit of releasing water from the dam.

If a new owner is not found, the law requires the Department of Environmental Protection to issue an order requiring the current owner to release water from the dam. This water release order would relieve the dam owner of any obligation to maintain a water level to meet the needs of persons other than the owner.

The new law also specifies that the Maine Tort Claims Act includes protection from liability for tort claims due to the construction, ownership, maintenance or use of dams. Finally, the law allows the Department of Environmental Protection to set water levels for dams not yet determined to be under the jurisdiction of the Federal Energy Regulatory Commission.

LD 819 **An Act to Require Notification to the Landowner When Land Is Being Considered for Placement in a Resource Protection Zone** PUBLIC 542

Sponsors(s)	Committee Report	Amendments Adopted
BUNKER	OTP-AM	H-685 S-436

LD 819, which was carried over from the 1st Regular Session, proposed to require the Board of Environmental Protection to adopt rules under the shoreland zoning law providing for individualized, written notification to a landowner whose property is being considered for placement in a resource protection zone.

Committee Amendment "B" (H-685) replaced the bill. It proposed to require a municipality to send notice by first-class mail to a landowner whose property is being considered for placement in a resource protection zone. Notice would be sent at least 14 days before the municipal planning board first discusses placing the property in the resource protection zone. If the Board of Environmental Protection adopted an ordinance for a municipality, the municipality would provide the names and addresses of landowners to the board, and the board would provide notice to landowners. The board would send notice at least 30 days before the close of the public comment period before adoption by the board.

The amendment proposed to require the municipality and the board to file written certificates indicating the names and addresses of persons they notified, and made the list prima facie evidence that notice was sent. A landowner who challenged the validity of an ordinance or map on the grounds that the municipality or the board failed to provide the required notice would be required to prove that notice was not sent, that the person did not otherwise have knowledge of the ordinance or map and that the person was materially prejudiced by that lack of knowledge.

Senate Amendment "A" to Committee Amendment "B" (S-436) proposed to clarify the obligation of a municipality to notify landowners by specifying that notice must be given at least 14 days before the planning board votes to send the ordinance or map to a public hearing. The amendment also proposed to clarify that the notice provision applies only to the initial placement in the zone, not to subsequent planning board actions that do not affect the inclusion of the property in the resource protection zone.

Enacted law summary

Public Law 1995, chapter 542 requires the governmental entity adopting a shoreland zoning ordinance (a municipality, or the Board of Environmental Protection) to provide individual notice to property owners whose property is being considered for placement in a resource protection zone. When a municipality is adopting the ordinance or map, the municipality must provide notice at least 14 days before the planning board votes to send the ordinance or map to a public hearing. When the board is adopting the ordinance, notice must be sent at least 30 days before the close of the public comment period prior to formal board consideration. Notice must be sent by first-class mail, and written certificates serve as evidence that the notice was sent as required.

LD 1014 **Resolve, Directing the Commissioner of Environmental Protection to Propose a Plan to Reorganize the Department of Environmental Protection** ONTP

Sponsors(s)	Committee Report	Amendments Adopted
GOULD	ONTP	

LD 1014 proposed to require the Commissioner of Environmental Protection to prepare a proposal to restructure the department along functional lines, resulting in a technical services division, a licensing division and an enforcement division.

LD 1042 **An Act to Amend the Surface Water Ambient Toxics Monitoring Program** ONTP

Sponsors(s)	Committee Report	Amendments Adopted
ETNIER	ONTP	

LD 1042 proposed to increase the fee collected on oil terminal licensees and oil transporters in order to fund a portion of the Ambient Surface Water Toxics Monitoring program. The monitoring program currently receives only partial funding from the General Fund. The bill also proposed to modify the date for reporting on the monitoring program to the Natural Resources Committee from January 1st of each year to February 15th.

During the 1st Regular Session of the 117th Legislature , the committee adopted an amendment proposing to strike the oil fee increase and to provide full funding for the program through an additional General Fund appropriation. The amendment retained the portion of the bill that moved the reporting deadline.

The bill was carried over by the Appropriations Committee at the end of the 1st Regular Session and rereferred to the Natural Resources Committee at the beginning of the 2nd Regular Session. Instead of voting to approve LD 1042, the committee worked to support the governor's proposal that additional funding for the program be included in the supplemental budget. The supplemental

budget that was enacted (Public Law 1995, chapter 665) included a General Fund appropriation of $285,000 for fiscal year 1996-97, which, when added to the existing General Fund appropriation, enables the surface water toxics monitoring program to proceed with full funding for that fiscal year.

LD 1608 **An Act Creating a Process for Municipalities to Withdraw from the Cobbossee Watershed District** P & S 59

Sponsors(s)	Committee Report		Amendments Adopted
DAMREN	OTP-AM	MAJ	H-734
CAREY	ONTP	MIN	

LD 1608 proposed to allow the Town of Mount Vernon to withdraw as a member of the Cobbossee Watershed District.

Committee Amendment "A" (H-734) replaced the bill. It proposed to establish a process through which the voters of any municipality in the Cobbossee Watershed District could elect to withdraw the municipality from the district. The amendment also proposed to require the district to establish a process for equitably distributing the financial liabilities of the district when a municipality elects to withdraw.

Enacted law summary

Private and Special Law 1995, chapter 59 establishes a process through which the voters of any municipality in the Cobbossee Watershed District may elect to withdraw the municipality from the district. The amendment also requires the district to establish a process for equitably distributing the financial liabilities of the district when a municipality elects to withdraw.

LD 1610 **An Act to Enhance Used Oil Recycling Capabilities** PUBLIC 573

Sponsors(s)	Committee Report	Amendments Adopted
SAXL J	OTP-AM	H-777
ETNIER		

LD 1610 proposed to do the following:

1. Allow persons wishing to construct used oil collection centers to receive low-interest loans or grants from funding administered by the Finance Authority of Maine for the purpose of constructing a center that meets the applicable requirements;

2. Provide a definition of a used oil collection center within the Maine Hazardous Waste, Septage and Solid Waste Management Act;

3. Authorize the Commissioner of Environmental Protection to waive certain costs incurred by the Maine Hazardous Waste Fund. Reimbursements not to exceed $10,000 per fiscal year could be waived if the commissioner determined that the center had been designed and operated in accordance with the applicable standards. Reimbursement waivers could not be granted more than twice per fiscal year at any one location;

4. Provide the Department of Environmental Protection with authority to adopt rules relating to the registration, design and operation of used oil collection centers; and

5. Establish registration, design and operational requirements for used oil collection centers.

Committee Amendment "A" (H-777) replaced the bill. The amendment proposed to do the following:

1. Provide definitions, within the Maine Hazardous Waste, Septage and Solid Waste Management Act, of "Class I liquid," "Class II liquid," "used oil" and "used oil collection center;"

2. Authorize the Commissioner of Environmental Protection to waive the reimbursement of costs to the Maine Hazardous Waste Fund incurred in the removal or abatement of hazardous waste from a registered used oil collection center if the center is in compliance with applicable statutory requirements and rules. Reimbursement could not be waived more than once per year for any one used oil collection center, and waivers could not total more than $10,000 in any one fiscal year;

3. Authorize the Board of Environmental Protection to adopt rules relating to the registration, design and operation of used oil collection centers and identify those rules as major substantive rules for the purposes of the Maine Administrative Procedure Act; and

4. Establish registration, design and operational requirements for used oil collection centers to be eligible for reimbursement waivers.

Enacted law summary

Public Law 1995, chapter 573 authorizes the Commissioner of Environmental Protection to waive the reimbursement of costs to the Maine Hazardous Waste Fund incurred in the removal or abatement of hazardous waste from a registered used oil collection center, if the center is in compliance with applicable statutory requirements and rules. Reimbursement may not be waived more than once per year for any one used oil collection center, and waivers may not total more than $10,000 in any one fiscal year. It also establishes registration, design and operational requirements for used oil collection centers to be eligible for reimbursement waivers, and it authorizes the Board of Environmental Protection to adopt rules relating to the registration, design and operation of used oil collection centers. Those rules are major substantive rules for the purposes of the Maine Administrative Procedure Act.

LD 1623 **Resolve, Authorizing the Dredging of Wells Harbor and Sand Renourishment of Wells Beaches by the United States Army Corps of Engineers** ONTP

Sponsors(s)	Committee Report	Amendments Adopted
LORD	ONTP	

LD 1623 proposed to require the Department of Environmental Protection to issue necessary permits to allow the United States Army Corps of Engineers to dredge Wells Harbor and to use the sand to replenish the sand beaches of Wells.

LD 1651 **An Act Concerning the Seasonal Sale of Reformulated Gasoline** P & S 60

Sponsors(s)	Committee Report	Amendments Adopted
POULIN	OTP-AM	H-741
LORD		

LD 1651 proposed to adopt a seasonal reformulated gasoline program for the State of Maine, under which reformulated gasoline would be required during the 4-month ozone season (mid-May through mid-September), and prohibited during the remaining months, unless federal law required its use.

Committee Amendment "A" (H-741) replaced the bill. It proposed to require the Commissioner of Environmental Protection to consult with legislators, the United States Environmental Protection Agency and interested parties in the development of recommendations regarding seasonal sale and geographic distribution of reformulated gasoline in the State.

Enacted law summary

Private and Special Law 1995, chapter 60 requires the Commissioner of Environmental Protection to consult with legislators, the United States Environmental Protection Agency and interested parties in the development of recommendations regarding seasonal sale and geographic distribution of reformulated gasoline in the State.

LD 1658 **An Act to Encourage Tire Stockpile Abatement** PUBLIC 578
EMERGENCY

Sponsors(s)	Committee Report	Amendments Adopted
GOULD	OTP-AM	H-768

LD 1658 proposed to amend the law to require the Department of Environmental Protection to deposit into the Tire Management Fund the entire amount budgeted by the Legislature for tire stockpile abatement and to require the department to use that money within 2 years exclusively for the removal of tires from uncontrolled stockpiles.

Committee Amendment "A" (H-768) proposed to replace the bill. It proposed to direct the Department of Environmental Protection to cooperate with tire-related industries and with the State Planning Office, the Department of Economic and Community Development, the Department of the Attorney General, the Finance Authority of Maine, the Maine State Police, the Maine National Guard and the Department of Corrections to develop a program to reduce the size and number of used tire stockpiles in the State. It also required the Department of Economic and Community Development to promote beneficial reuse of used tires by fostering a favorable business climate for businesses currently assisting in the processing of waste tires and by providing for the introduction of viable new technology to convert waste tires to commodities.

Enacted law summary

Public Law 1995, chapter 578 directs the Department of Environmental Protection to cooperate with tire-related industries and with the State Planning Office, the Department of Economic and Community Development, the Department of the Attorney General, the Finance Authority of Maine, the Maine State Police, the Maine National Guard and the Department of Corrections to

develop a program to reduce the size and number of used tire stockpiles in the State. It also requires the Department of Economic and Community Development to promote beneficial reuse of used tires by fostering a favorable business climate for businesses currently assisting in the processing of waste tires and by providing for the introduction of viable new technology to convert waste tires to commodities.

Chapter 578 was enacted as an emergency measure effective March 29, 1996.

LD 1659 **An Act to Albw Municipalities and Regions to Include Beneficial Use of Waste Originated in Their Jurisdiction As Credit in Demonstrating Recycling Progress** PUBLIC 552

Sponsors(s)	Committee Report		Amendments Adopted
GOULD	OTP-AM	MAJ	H-739
	ONTP	MIN	

Current law categorizes incineration of waste as recycling only if the waste is burned as a fuel source substitute in industrial boilers; the waste material would have otherwise been stockpiled or placed in a landfill; and the State Planning Office has determined that there is no reasonably available recycling market for the waste.

LD 1659 proposed to remove those limitations on the classification of incineration as recycling and to clarify that individual municipalities and regions may take recycling credit for this use of waste in determining whether they have made reasonable progress toward the state's 50% recycling goal. Current law credits incineration as recycling only in calculating the statewide recycling percentage.

Committee Amendment "A" (H-739) replaced the bill. It proposed to allow municipalities to count certain types of incineration as recycling in determining whether the municipality is making reasonable progress toward the State recycling goal. It proposed to add incineration of waste plastics and waste wood and incineration at waste-to-energy plants to the list of activities counted as recycling. It proposed to retain some of the conditions under which incineration counts as recycling. The State Planning Office would have to determine that no reasonably available market exists for the waste, and the waste must be burned as a substitute for fossil fuel, although the fossil fuel need not be the primary fuel in the incinerator. .

Enacted law summary

Public Law 1995, chapter 552 allows a municipality to count certain types of incineration as recycling in determining whether the municipality is making reasonable progress toward the State recycling goal. It also adds incineration of waste plastics and waste wood and incineration at waste-to-energy plants to the list of activities counted as recycling. It retains some of the conditions under which incineration counts as recycling. The State Planning Office would have to determine that no reasonably available market exists for the waste, and the waste must be burned as a substitute for fossil fuel, although the fossil fuel need not be the primary fuel in the incinerator.

LD 1671 **An Act to Amend the Laws Regarding the Revolving Loan Fund for Wastewater Facilities** PUBLIC 564 EMERGENCY

Sponsors(s)	Committee Report	Amendments Adopted
MITCHELL EH	OTP-AM	H-733

LD 1671 proposed to amend the current law regarding the revolving loan fund for wastewater facilities to allow the fund to be used for any projects authorized under the federal Clean Water Act and for remediation of municipal landfills that affect groundwater.

Committee Amendment "A" (H-733) proposed to add a provision to the bill clarifying that the Department of Environmental Protection, in prioritizing municipal projects for financing under the revolving loan fund, must consider the availability of cost-effective private sector alternatives to those municipal projects. The amendment also proposed to correct a reference to federal law and to make the bill an emergency measure.

Enacted law summary

Public Law 1995, chapter 564 amends the current law regarding the revolving loan fund for wastewater facilities to allow the fund to be used for any projects authorized under the federal Clean Water Act and for remediation of municipal landfills that affect groundwater. It also clarifies that the Department of Environmental Protection, in prioritizing municipal projects for financing under the revolving loan fund, must consider the availability of cost-effective private sector alternatives to those municipal projects.

Chapter 564 was enacted as an emergency measure effective March 25, 1996.

LD 1672 **An Act to Amend Certain Laws Administered by the Department of Environmental Protection** PUBLIC 642 EMERGENCY

Sponsors(s)	Committee Report		Amendments Adopted
GOULD	OTP-AM	MIN	H-858
	OTP-AM	MAJ	

LD 1672, which is the omnibus bill submitted by the Department of Environmental Protection, proposed to:

1. Enable the Board of Environmental Protection to open existing air emission licenses prior to their expiration dates for cause, as defined in federal regulations;
2. Extend the repeal date of the Maine Environmental Protection Fund fee schedule to 90 days after adjournment of the Second Regular Session of the 118th Legislature;
3. Allow the limited use of copper compounds and other algicides in situations where lake restoration technologies have been tried and no additional restoration programs are available;
4. Reword current law to provide that, when the parent of a corporation changes but the corporation itself remains intact, no license transfers are required;
5. Repeal the existing hydrocarbon standard for ambient air;

6. Allow the Commissioner of Environmental Protection to enforce contracts entered into by recipients of bond funds for landfill closure and remediation;

7. Allow a license holder to voluntarily surrender a sludge or residual utilization license without the need to extinguish the license through a court action, as required by the Maine Administrative Procedure Act;

8. Revise spill reporting requirements to incorporate revisions to reportable quantities specified in federal regulations;

9. Provide liability protection for persons who voluntarily assist in responding to and cleaning up a discharge of hazardous matter;

10. Clarify the definition of "hazardous materials" for the purpose of the fees imposed by Title 38, section 1319-I, subsection 4-B;

11. Broaden the rulemaking authority of the Board of Environmental Protection so that the board can amend its waste oil rules to cover all aspects of waste oil management; and

12. Repeal the requirement for review of low-level radioactive waste facilities by the Department of Environmental Protection.

Committee Amendment "B" (H-858), the minority committee report, was adopted by the Legislature. This amendment proposed to change the provision relating to the use of copper compounds and other algicides in lakes. It would require that copper compounds may be used only if the Department of Inland Fisheries and Wildlife determines that the use will not adversely impact the fishery management plan for the water body.

This amendment also proposed to delete the section of the bill expanding the Department of Environmental Protection's rulemaking authority over waste oil and to clarify when ownership of a facility or structure licensed under any law administered by DEP is considered to be transferred.

This amendment proposed to make additional changes to DEP's involvement in regulation of low-level radioactive waste. It proposed to remove the Commissioner of Environmental Protection from the Advisory Commission on Radioactive Waste and to clarify that approval of a low-level radioactive waste facility by the Legislature does not exempt the facility owner or operator from the need to obtain other licenses and approvals required by law.

Committee Amendment "A" (H-857), the majority report of the committee, was not adopted by the Legislature. It included all the provisions in the minority amendment and an additional provision amending the shoreland zoning laws. It proposed to allow a municipality to permit additional expansion in a shoreland zone of structures that do not meet the water setback requirements. Expansion would be allowed provided the total footprint of all structures on the lot did not exceed a prescribed square footage, based on how much shore frontage the lot contained, with a maximum footprint of 1,250 square feet. Height of the expansion would be limited to the lesser of the height of the existing structure or 25 feet.

The provision proposed to prohibit expansion that created further nonconformity with the water setback requirement, prohibited creation of roofed living space closer to the shore than existing roofed living space and limited the expansion of structures closer to the water by prohibiting lateral expansion greater than 30%. The amendment also proposed to require the property owner to take measures to lessen storm water runoff from the expansion by maintaining a buffer strip or providing other measures to lessen the runoff. Finally, the amendment proposed to require that

wastewater disposal systems be in substantial compliance with, or be brought into substantial compliance with, state wastewater disposal rules.

Enacted law summary

Public Law 1995, chapter 642, the omnibus bill submitted by the Department of Environmental Protection, makes a number of changes in the laws implemented by DEP, including the following:

(1) Extends the repeal date of the Maine Environmental Protection Fund fee schedule to 90 days after adjournment of the Second Regular Session of the 118th Legislature;

(2) Allows the limited use of copper compounds and other algicides in situations where lake restoration technologies have been tried, no additional restoration programs are available, and use will not harm fisheries management plans;

(3) Clarifies when ownership of a corporation changes and permits must be transferred;

(4) Provides liability protection for persons who voluntarily assist in responding to and cleaning up a discharge of hazardous matter; and

(5) Repeals the requirement for DEP to review low-level radioactive waste facilities, unless the facility falls under the threshold of other general DEP permitting laws, such as the Site Location of Development Law, removes the Commissioner of Environmental Protection from the Advisory Commission on Radioactive Waste and clarifies that approval of a low-level radioactive waste facility by the Legislature does not exempt the facility owner or operator from the need to obtain other licenses and approvals required by law.

Chapter 642 was enacted as an emergency measure effective April 10, 1996.

LD 1721 **Resolve, to Form a Task Force to Examine Methods of Reimbursing Automobile Owners for Emissions Testing and Consequent Repair Costs** — ONTP

Sponsors(s)	Committee Report		Amendments Adopted
CLEVELAND	ONTP	MAJ	
ADAMS	OTP-AM	MIN	

LD 1721 proposed to create a task force to examine methods of reimbursing persons for test fees and repair costs incurred as a result of the auto emissions testing program required by state law in 1994 and repealed in 1995. The Task Force would also examine ways to alleviate costs that may be imposed upon motor vehicle owners under any testing program imposed in the future under requirements of federal law.

Committee Amendment "A" (S-442), the minority report of the committee, which was not adopted, proposed to limit the scope of the Task Force to a study of methods of reimbursing motor vehicle owners for test fees paid for the emissions testing program repealed in 1995.

LD 1781 **An Act to Support Abatement of Uncontrolled Tire Stockpiles** — PUBLIC 579, EMERGENCY

Sponsors(s)	Committee Report	Amendments Adopted
GOULD	OTP-AM	H-782

LD 1781 proposed to extend the $1 per tire fee imposed on the retail sale of new tires to sales of tires that occur as part of a sale of a motorized vehicle. The bill proposed to require that the revenue raised by this change be credited to the Tire Management Fund to be used to pay the costs of tire stockpile abatement, remediation and cleanup.

Committee Amendment "A" (H-782) replaced the bill. It proposed to enact specific prohibitions against improper disposal, storage, processing or transportation of used motor vehicle tires. It proposed to set forth standards for the Commissioner of Environmental Protection to use in determining whether a tire pile constitutes an uncontrolled tire stockpile and to specify the process for serving responsible parties with an order relating to an uncontrolled tire stockpile and a process for appealing the order.

The amendment also proposed to allow state, county and local law enforcement officers to examine the licenses of persons transporting scrap tires to determine whether they comply with waste transporter licensure and manifest rules and to impound the vehicle if a violation is found. Failure to comply with the licensure and manifest requirements would be a Class E crime, with a fine up to $10,000 for each violation, and a minimum fine of from $500 to $4,500 depending on the vehicle weight. A person would commit a Class D crime if that person transported tires to an unauthorized facility after being cited under this law. The fine for those violations would be up to $25,000 per violation.

Enacted law summary

Public Law 1995, chapter 579 enacts specific prohibitions against improper disposal, storage, processing or transportation of used motor vehicle tires. It sets forth standards for the Commissioner of Environmental Protection to use in determining whether a tire pile constitutes an uncontrolled tire stockpile and specifies the process for serving responsible parties with an order relating to an uncontrolled tire stockpile and a process for appealing the order.

The amendment also allows state, county and local law enforcement officers to examine the licenses of persons transporting scrap tires to determine whether they comply with waste transporter licensure and manifest rules and to impound the vehicle if a violation is found. Failure to comply with the licensure and manifest requirements would be a Class E crime, with a fine up to $10,000 for each violation, with a minimum fine of from $500 to $4,500 depending on the vehicle weight. A person would commit a Class D crime if that person transported tires to an unauthorized facility after being cited under this law. The fine for those violations would be up to $25,000 per violation

Chapter 579 was enacted as an emergency measure effective March 29, 1996.

LD 1794 **Resolve, Directing the Land and Water Resources Council to Take Steps Needed to Ensure Successful Implementation of** RESOLVE 72

State Land Use Law Reforms

Sponsors(s)	Committee Report	Amendments Adopted
	OTP	

LD 1794, one of three pieces of legislation resulting from a study of the Site Location of Development Law by the Land and Water Resources Council, proposed to direct the Land and Water Resources Council to assess current state, local and regional policies and programs that influence the cost of development, redevelopment and related public services and that affect land use and development patterns. The resolve proposed to require that the Land and Water Resources Council report its recommendations, including any proposed legislation, in its January 1997 annual report.

Enacted law summary

Resolve 1995, chapter 72, one of three pieces of legislation resulting from a study of the Site Location of Development Law by the Land and Water Resources Council, directs the Land and Water Resources Council to assess current state, local and regional policies and programs that influence the cost of development, redevelopment and related public services and that affect land use and development patterns. The resolve requires the Land and Water Resources Council to report its recommendations, including any proposed legislation, in its January 1997 annual report.

LD 1804 **An Act to Grandfather Municipal Ordinances Regulating the Spreading of Sludge** DIED BETWEEN HOUSES

Sponsors(s)	Committee Report		Amendments Adopted
LORD	ONTP	MAJ	
CHICK	OTP	MIN	

LD 1804 proposed to provide that the limits on municipal authority to enact ordinances regarding solid waste facilities do not apply to municipal ordinances enacted prior to September 30, 1989 that relate to the spreading of wastewater treatment plant sludge on land.

LD 1824 **An Act Relating to Solid Waste Management** PUBLIC 588

Sponsors(s)	Committee Report	Amendments Adopted
	OTP-AM	S-481

LD 1824 proposed to make several changes relating to solid waste management reporting and planning and to development of a state-owned solid waste disposal facility.

Current law requires the State Planning Office to revise the state solid waste management and recycling plan every 2 years. This bill proposed to require revision of the plan every 5 years, but to require reporting of data on solid waste generation and management every 2 years. In conjunction with the 5-year revision of the plan, the bill proposed to require the State Planning Office to convene a task force to evaluate the state laws prohibiting licensure of new commercial solid waste disposal facilities and to make recommendations to the Legislature regarding that policy.

The bill also proposed to prohibit the State Planning Office from beginning construction of a state-owned solid waste disposal facility until the Legislature gives specific approval to construction. The Office must to report to the Legislature when it believes that construction and operation of a state-owned solid waste disposal facility is needed to meet capacity needs identified in the state plan, and must propose a method of operation for the facility.

Finally, the bill proposed to clarify that expansion of an existing commercial solid waste disposal facility is not subject to certain restrictions in the law if the expansion does not affect disposal capacity.

Committee Amendment "A" (S-481) proposed to clarify that expansions of commercial solid waste disposal facilities are exempt from certain restrictions in current law only if the expansion is not used for solid waste disposal. The amendment proposed to specify a date by which the next revision of the state solid waste management plan must be completed and to provide for revisions every 5 years.

The amendment also proposed to clarify that the provision requiring the State Planning Office to maintain ownership of the state solid waste facility site does not prohibit the State from complying with obligations it may have to lease or transfer property pursuant to a contract entered into before the effective date of this bill, or pursuant to any amendment to that contract entered into before or after the effective date of this bill.

Enacted law summary

Public Law 1995, chapter 588 makes several changes relating to solid waste management reporting and planning and to development of a state-owned solid waste disposal facility. This law requires the State Planning Office to revise the solid waste management and recycling plan by January 1, 1998 and every 5 years thereafter, instead of every 2 years as required in current law. It requires the Office to report data on solid waste generation and management every 2 years. In conjunction with the 5-year revision of the plan, the law requires the State Planning Office to convene a task force to evaluate the state laws prohibiting licensing of new commercial solid waste disposal facilities and to make recommendations to the Legislature regarding that policy.

The law also prohibits the State Planning Office from beginning construction of a state-owned solid waste disposal facility until the Legislature gives specific approval to construction. The Office must to report to the Legislature when it believes that construction and operation of a state-owned solid waste disposal facility is needed to meet capacity needs identified in the state plan, and must propose a method of operation for the facility. The law requires the State Planning Office to maintain ownership of the site, but clarifies that this does not prohibit the State from complying with obligations it may have to lease or transfer property pursuant to a contract entered into before the effective date of this bill, or pursuant to any amendment to that contract entered into before or after the effective date of this bill.

Finally, the law clarifies that expansion of an existing commercial solid waste disposal facility is exempt from certain restrictions in the law only if the expansion is not used for solid waste disposal.

LD 1834 **An Act to Amend the Laws Relating to Regulation of Wetlands** PUBLIC 575

Sponsors(s)	Committee Report	Amendments Adopted
	OTP-AM	S-483

LD 1834 proposed to amend the section of law specifying when minor wetland alterations (alterations of fewer than 4,300 square feet of freshwater wetland) may be performed without a permit under the natural resources protection laws. It adds a requirement that, when those projects are performed without a permit, a 25-foot setback from other protected resources must be maintained and proper erosion control techniques must be used. It also adds a provision specifying that minor projects are not exempt from the permitting requirement if they are performed in wetlands protected by a shoreland zoning designation or in peat lands or wetlands with 20,000 square feet of open water or marsh. Current law requires a person to obtain a permit to conduct a project in land surrounding those areas, but seems to allow projects within the protected areas themselves without a permit.

The bill rewrites the entire subsection relating to minor alterations to improve clarity and to restate language providing that legally performed alterations before September 29, 1995 are not included in determining whether the project qualifies for the 4,300 square-foot exemption.

Finally, the bill proposed to add a provision exempting projects performed in constructed, or man-made, ponds from the permitting requirement.

Committee Amendment "A" (S-483) corrects a numerical error in the wetlands law enacted in the First Regular Session of the 117th Legislature, relating to the designation of imperiled and critically imperiled natural areas.

Enacted law summary

Public Law 1995, chapter 575 proposed to amend the section of law specifying when minor wetland alterations (alterations of fewer than 4,300 square feet of freshwater wetland) may be performed without a permit under the natural resources protection laws. It rewrites the entire section to improve clarity. It adds a requirement that, when those projects are performed without a permit, a 25-foot setback from other protected resources must be maintained and proper erosion control techniques must be used. It also adds a provision specifying that minor projects are not exempt from the permitting requirement if they are performed in wetlands protected by a shoreland zoning designation or in peat lands or wetlands with 20,000 square feet of open water or marsh. Current law requires a person to obtain a permit to conduct a project in land surrounding those areas, but seems to allow projects within the protected areas themselves without a permit.

The law also adds a provision exempting projects performed in constructed, or man-made, ponds from the permitting requirement.

LD 1838 **An Act to Remove Statutory References to the Maine Waste Management Agency** PUBLIC 656

Sponsors(s)	Committee Report	Amendments Adopted

LD 1838 proposed to remove remaining statutory references to the Maine Waste Management Agency, which was abolished by legislation enacted in the 1st Regular Session of the 117th Legislature. It also proposed to clarify that certain rules adopted by the Maine Waste Management Agency under sections of law repealed in 1995 are no longer in effect.

Committee Amendment "A" (H-853) proposed to discontinue or transfer some of the program responsibilities transferred to the State Planning Office from the former Maine Waste Management Agency. See the enacted law summary (2nd paragraph to end of summary) for a description of the committee amendment.

Enacted law summary

Public Law 1995, chapter 656 removes remaining statutory references to the Maine Waste Management Agency, which was abolished in legislation enacted in the 1st Regular Session of the 117th Legislature. It also clarifies that rules adopted by MWMA pursuant to sections of law repealed in 1995 are no longer effective.

The law also discontinues or transfer some of the program responsibilities transferred to the State Planning Office from the former Maine Waste Management Agency.

The law:

1. Requires businesses to take solid waste reduction investment tax credits by the end of the tax year ending not later than June 30, 1998 and requires the State Planning Office to notify persons who have been certified for the tax credit of this deadline;

2. Changes the requirement to revise the Maine solid waste management and recycling plan from every 2 years to every 5 years, but requires the State Planning Office to report data and a trend analysis every 2 years;

3. Eliminates the State Planning Office responsibility for researching and writing a report on plastic holding devices and for separately reporting on aseptic packaging recycling;

4. Removes authority to approve alternative labels for plastic containers and makes violations of labeling laws violation of the Maine Unfair Trade Practices Act;

5. Transfers the administration of the toxics-in-packaging rules to the Department of Environmental Protection;

6. Removes the State Planning Office from the Pollution Prevention Advisory Committee;

7. Removes the requirement that the State Planning Office evaluate municipal efforts to implement the waste management hierarchy and prepare a separate report to the Governor and Legislature on this progress. Evaluation of municipal progress toward the State 50% recycling goal continues;

8. Adds a preference for regional efforts when allocating the State Planning Office's waste management financial and technical assistance resources; and changes the maximum recycling grant local match requirement from 25% to 50%;

9. Clarifies the nature of marketing assistance and removes the requirement that the State Planning Office assist industries with reusing industrial and commercial wastes;

10. Removes the requirement that the State Planning Office assist the Department of Administrative and Financial Services with state agency recycling efforts and with assessing state agency waste reduction and recycling activities;

11. Eliminates the State Planning Office's mandatory role in providing business assistance with office paper recycling and instead authorize the office to provide such assistance;

12. Eliminates the requirement that the State Planning Office conduct a program of public education;

13. Makes the State Planning Office's participation in regional or national initiatives voluntary rather than mandatory; and

14. Eliminates the granting of exemptions from the prohibition against nonremovable rechargeable batteries.

LD 1853 **An Act to Reorganize and Redirect Aspects of the Site Location of Development Laws** PUBLIC 704

Sponsors(s)	Committee Report		Amendments Adopted
	OTP-AM	MAJ	H-876
	ONTP	MIN	

LD 1853 is one of three pieces of legislation resulting from a study of the site location of development laws by the Land and Water Resources Council. This bill proposed to amend the municipal subdivision laws by requiring municipalities to prepare an estimate of the additional cost of municipal and state services caused by a proposed subdivision development. The estimate would be based on guidelines prepared by the State Planning Office.

This bill proposed to amend the state site location of development laws to:

1. Raise the threshold for requiring a site law permit for subdivisions from 5 lots on 20 acres to 15 lots on 30 acres;

2. Raise the threshold for requiring a site law permit for structures and subdivisions in "municipalities with capacity" . Structures up to 7 acres and subdivisions up to 100 acres located in such municipalities would not need a state site law permit;

3. Define "municipality with capacity" as:

   A. Any municipality with subdivision regulations, site plan review regulations, a process for case-by-case review of structures, a planning board or other review authority, and resources to administer and enforce its ordinances; and

   B. Beginning in 2003, any municipality with 2,500 or more residents;

4. Add to site law jurisdiction any development that generates 100 or more passenger car equivalents (PCE's) at peak hour;

5. Raise the threshold for review of transmission lines from 100 kilovolts to 120 kilovolts;

6. Change the traffic standard for projects subject to the site law to: provide that a project that triggers site law jurisdiction only because of traffic impacts need only meet the traffic standard; eliminate review of traffic impacts for projects that fall under site law jurisdiction for non-traffic reasons but that generate fewer than 100 PCE's at peak hour. The bill also proposed to require the Department of Transportation to use a flexible system for reviewing traffic impacts under the site law, including performance standards for developments that generate 100 to 200 PCE's at peak hour;

7. Require DOT to take over regulation of traffic impacts beginning June 30, 1999, unless the Legislature adopts an alternative regulatory system and to require DOT to report to the Legislature by February 1, 1999 on possible alternatives to DOT assumption of traffic regulation;

8. Allow the Department of Environmental Protection to give an advance ruling on whether a project would meet the traffic requirements;

9. Amend the standards under the site law for soil type and erosion; and

10. Repeal the exemption for certain residential subdivisions and for storage facilities.

The bill proposed to require studies regarding groundwater quality and quantity. It would direct the Land and Water Resources Council to form a committee to develop recommendations concerning legislation required to address the storage, use and handling of petroleum products, hazardous materials and certain other substances with the potential to contaminate groundwater. It would also direct the DEP to work with interested parties to develop a program to minimize the potential for unreasonable adverse impacts on the availability of groundwater to support existing uses and present recommendations concerning any statutory requirements to the Land and Water Resources Council.

The bill also proposed to make the following changes regarding erosion and sedimentation control and storm water management:

1. Establish standards for controlling erosion and sedimentation from any project that involves filling, displacing or exposing soil; the bill proposed to prohibit a person from allowing eroded material from leaving the project site or entering a protected natural resource, and to require a person to install and maintain stabilization and erosion control measures; and

2. Establish a new permit requirement to regulate storm water runoff created by certain types of projects. The DEP would adopt stormwater quantity and quality standards for projects subject to the law, which would include projects that create more than 5 acres of disturbed area, 1/2 acre of impervious area in the watershed of a waterbody at risk from development or 1 acre of impervious area in other areas. The department would be required to list watersheds of bodies of water most at risk.

Committee Amendment "A" (H-876) proposed to make the following changes to the bill.

1. Strike out provisions requiring municipalities to calculate and report the public costs of subdivision development;
2. Amend the storm water standard under the site location of development laws to provide that metallic mineral mining activities are subject to the storm water standard in all parts of the State, not just in the organized areas, and to clarify that certain projects needing a site

law permit must comply with applicable storm water standards even if they are exempt from the new storm water permitting law;

3. Add a section requiring the Department of Environmental Protection to develop by rule a process for granting a planning permit under the site law to allow for prepermitting of projects;

4. Strike out the section of the bill that would have exempted some pipelines from the law requiring analysis of alternative location and character;

5. Strike the provision exempting farm ponds over 10 acres, since that provision has been included in other legislation (See LD 1858);

6. Amend language stating when a municipality may request that the Department of Environmental Protection review projects in a municipality with capacity to review those projects. This amendment would clarify that the municipality or an adjacent municipality may request that the Department of Environmental Protection review a project when there are regional environmental impacts. In such cases, the department reviews the project only for the regional environmental impacts and the municipality would review for all other issues under the site law;

7. Require the Commissioner of Environmental Protection to use model local ordinances that review issues addressed by the site law in determining whether a municipality has adequate site plan review ordinances for purposes of determining municipal capacity;

8. Require the department to publish a list of municipalities with capacity by January 1, 1997 and deem certain municipalities to have capacity if the list is not published in time;

9. Specify that certain modifications of subdivisions permitted under the site law are not required to obtain Department of Environmental Protection approval;

10. Move the reporting date for the groundwater study groups to report back to the Legislature from January 10, 1997 to January 10, 1998;

11. Change the erosion and sedimentation control standards to require that a person take measures to prevent unreasonable erosion, rather than requiring a person to prevent any eroded material from leaving the project site or entering a protected natural resource and to exempt the standard forest management activities regulated by Maine Land Use Regulation Commission standards;

13. Limit the content and geographic applicability of storm water quality rules. Quality rules would apply only in the direct watersheds of bodies of water most at risk from new development and in sensitive or threatened regions and watersheds. The Department of Environmental Protection would be required to determine which watersheds and regions fall within these categories through rulemaking, which is classified as major substantive rulemaking. Until the regions of applicability are defined, storm water quality standards would not apply;

14. Clarify the forest management exemption from the stormwater permit and add exemptions for projects subject to certain federal permitting requirements, single family residence construction or expansion projects, permitted waste facilities, and certain transportation projects subject to storm water standards to be developed by the Department of Environmental Protection and the Department of Transportation or the Maine Turnpike Authority; and

15. Change the effective date to provide that the Act is effective July 1, 1997, except that rulemaking is authorized beginning 90 days after adjournment of the session.

House Amendment "A" (H-885), which was offered but not adopted, would have removed the provision increasing the threshold for review of transmission lines from 100 kilovolts to 120 kilovolts.

Enacted law summary

Public Law 1995, chapter 704 makes the following changes in the state site location of development laws and other laws related to development:

1. Raises the threshold for requiring a site law permit for subdivisions from 5 lots on 20 acres to 15 lots on 30 acres;

2. Raises the threshold for requiring a site law permit for structures and subdivisions in "municipalities with capacity". Structures up to 7 acres and single-family residential subdivisions up to 100 acres located in such municipalities will not be subject to state site law permit requirements. A person may petition DEP to review regional environmental impacts from any such project;

3. Defines "municipality with capacity" as:

   A. Any municipality with subdivision regulations, site plan review regulations, a process for case-by-case review of structures, a planning board or other review authority, and resources to administer and enforce its ordinances; and

   B. Beginning in 2003, any municipality with 2,500 or more residents;

4. Adds to site law jurisdiction any development that generates 100 or more passenger car equivalents at peak hour;

5. Raises the threshold for review of transmission lines from 100 to 120 kilovolts;

6. Changes the traffic standard for projects subject to the site law to provide that: a project that triggers site law jurisdiction only because of traffic impacts is only subject to the traffic standard; eliminate review of traffic impacts for projects that fall under site law jurisdiction for non-traffic reasons but that generate fewer than 100 PCE's at peak hour. The law requires the Department of Transportation to use a flexible system for reviewing traffic impacts under the site law, including performance standards for developments that generate 100 to 200 passenger car equivalents at peak hour;

7. Requires the Department of Transportation to take over regulation of traffic impacts beginning June 30, 1999, unless the Legislature adopts an alternative regulatory system and requires DOT to report to the Legislature by February 1, 1999 on possible alternatives to DOT assumption of traffic regulation;

8. Allows DEP to issue an advance ruling on whether a proposed project meet the site law's traffic requirements;

9. Adds a section requiring the Department of Environmental Protection to develop by rule a process for granting a planning permit under the site law to allow for prepermitting of projects;

10. Amends the standards under the site law for soil type and erosion;

11. Repeals the exemption for certain residential subdivisions;

12. Directs the Land and Water Resources Council to form a committee to develop recommendations concerning legislation required to address the storage, use and handling of petroleum products, hazardous materials and certain other substances with the potential to contaminate groundwater. The Department of Environmental Protection in concert with others is directed to develop a program to minimize the potential for unreasonable adverse impacts on the availability of groundwater to support existing uses and present recommendations concerning any statutory requirements to the Land and Water Resources Council. Recommendations are due to the Legislature by January 10, 1998;

13. Establishes standards outside the site law for controlling erosion and sedimentation from any project that involves filling, displacing or exposing soil; it requires a person performing the project to take steps to prevent unreasonable erosion beyond the project site or into a protected natural resource, and requires a person to install and maintain erosion control and stabilization measures; and

14. Establishes a new permit requirement to regulate storm water runoff created by certain types of projects. The DEP will adopt stormwater quantity and quality standards for projects subject to the law, which will include projects that create more than 5 acres of disturbed area, 1/2 acre of impervious area in the watershed of a waterbody at risk from development or 1 acre of impervious area in other areas. The department will be required to list watersheds of bodies of water most at risk. Stormwater quality standards will only apply in certain geographic areas, which will also be defined by DEP by rule. All rules relating to stormwater permitting are "major substantive" rules and will be reviewed by the Legislature before becoming effective. Certain types of projects are exempt from this permitting requirement, including: certain forest management activities; single family residence construction or expansion projects; permitted waste facilities, and certain transportation projects subject to storm water standards to be developed by the Department of Environmental Protection and the Department of Transportation or the Maine Turnpike Authority.

The law takes effect July 1, 1997, except that rulemaking is authorized beginning 90 days after adjournment of the 117th, Second Session (July 4, 1996).

LD 1854 **An Act to Implement the Recommendations of the Land and Water Resources Council Regarding Gravel Pits and Rock Quarries** PUBLIC 700

Sponsors(s)	Committee Report		Amendments Adopted
	OTP-AM	MAJ	H-872
	ONTP	MIN	

Current law establishes performance standards for certain medium sized borrow pits (internally drained gravel or sand excavations between 5 and 30 acres), and allows a person to operate such a pit without obtaining a permit, provided they notify the department of their operation and comply with the performance standards. All other mining activities regulated by the State require a permit under the Site Location of Development laws. LD 1854 proposed to allow most regulated mining activities to proceed under a notification/performance standards system, rather

than a prior permitting system, except metallic mineral mining and peat mining. Metallic mineral mining would still require a site law permit and peat mining would be regulated by the natural resources protection laws.

To achieve this change in regulation, the bill proposed to change the current law regarding medium sized borrow pits by:

1. Amending the applicability section of the law to include excavations for topsoil, clay or silt;

2. Allowing persons with a valid site location of development law permit for mining activities to file a notice of intent to comply with the performance standards rather than continue under the permit;

4. Authorizing a variance to allow excavation into the seasonal high water table if the owner or operator of an excavation would be required to replace a public or private drinking water supply if the excavation activities impact the drinking water supply;

5. Authorizing a variance to allow externally drained excavations;

6. Making the traffic standards the same as those under the site location of development laws, effective January 1, 1997;

7. Authorizing a variance from the noise standards adopted by the Board of Environmental Protection;

8. Allowing the department to require financial assurance for a variance application for a larger working pit;

9. Altering the variance process to include requirements for a public information meeting, public notice and an appeal process; and

10. Adding performance standards for erosion control for excavations for clay, topsoil or silt less than 5 acres in size.

The bill also proposed to create a separate article to regulate quarries, where rock is removed by underground blasting. The notification requirements and performance standards are the same as for borrow pits and other excavations described above. Additional standards are imposed on the blasting activities.

Committee Amendment "A" (H-872) proposed to allow a municipality in which a proposed excavation is located, which believes that the excavation may cause unreasonable adverse impacts, to submit comments to the Department of Environmental Protection and requires the department to respond to the comments. It also requires an owner or operator of an excavation to mail notice to the municipality and to abutting property owners at least 7 days prior to mailing notice to the regulator and commencing excavation activity.

This amendment also proposed to add language specifying that rules relating to variance standards and reclamation requirements are major substantive rules and that the variance standard rules must be provisionally adopted by January 1, 1997. It also proposed that variances are not available until March 1, 1997, except to those owners or operators who filed a notice of intent to comply prior to the effective date of this legislation.

Finally, the amendment proposed to change the effective date of new traffic standards to coincide with the effective date of the site law bill and to clarify that public informational meetings are required for variances.

Enacted law summary

Current law establishes performance standards for certain medium sized borrow pits (internally drained gravel or sand excavations between 5 and 30 acres), and allows a person to operate such a pit without obtaining a permit, provided they notify the department of their operation and comply with the performance standards. All other mining activities regulated by the State require a permit under the Site Location of Development laws. Public Law 1995, chapter 700 amends the law to allow most regulated mining activities to proceed under a notification/performance standards system, rather than a prior permitting system, except metallic mineral mining and peat mining. Metallic mineral mining will still require a site law permit and peat mining will be regulated by the natural resources protection laws. The law also changes some of the performance standards.

Current law regarding medium sized borrow pits is changed by:

1. Amending the applicability section of the law to include excavations for topsoil, clay or silt;

2. Requiring excavation owners or operators to send notice to abutting property owners at least 7 days prior to submitting notice to regulators.

3. Allowing persons with a valid site location of development law permit for mining activities to file a notice of intent to comply with the performance standards rather than continue under the permit;

4. Authorizing a variance to allow excavation into the seasonal high water table. The owner or operator of an excavation would be required to replace a public or private drinking water supply if the excavation activities impact the drinking water supply;

5. Authorizing a variance to allow externally drained excavations;

6. Making the traffic standards the same as those under the site location of development laws, effective July 1, 1997;

7. Authorizing a variance from the noise standards adopted by the Board of Environmental Protection;

8. Allowing the department to require financial assurance for a variance application for a larger working pit;

9. Altering the variance process to include requirements for a public information meeting, public notice and an appeal process; and

10. Adding performance standards for erosion control for excavations for clay, topsoil or silt less than 5 acres in size; and

11. Allowing a municipality in which a proposed excavation is located to submit comments to the Department of Environmental Protection if it believes that the excavation may cause unreasonable adverse environmental impacts and requires the department to respond to the comments.

The law also creates a separate article to regulate quarries, where rock is removed by underground blasting. The notification requirements and performance standards are the same as for borrow pits and other excavations described above. Additional standards are imposed on the blasting activities.

Rules relating to the variance standards and reclamation requirements are major substantive rules and the variance standard rules must be provisionally adopted by January 1, 1997. Variances are not available until March 1, 1997, except to those owners or operators who filed a notice of intent to comply prior to the effective date of this law.

LD 1858 **An Act Regarding Agricultural Irrigation Ponds** PUBLIC 659
EMERGENCY

Sponsors(s)	Committee Report	Amendments Adopted
KIEFFER	OTP-AM	S-531
DONNELLY		

LD 1858 proposed to establish a general permit under the Natural Resources Protection Act for alteration of a stream to construct an irrigation pond. The general permit would be deemed approved 30 days from the date an application was accepted for processing by the department, unless the applicant is notified that legal requirements have not been met. When eligibility criteria and specified standards are met, the general permit would replace the requirement for an individual permit under the Natural Resources Protection Act.

This bill also proposed to require the Department of Environmental Protection to report back to the joint standing committee of the Legislature having jurisdiction over natural resource matters concerning the effectiveness of the new general permit.

Committee Amendment "A" (S-531) proposed to add a provision to correct a technical error in the designation of imperiled natural communities and to add a provision to the bill to remove the 10-acre limit on the size of farm and fire ponds that are exempted from permitting under the site location of development laws.

Enacted law summary

Public Law 1995, chapter 659 establishes a general permit under the Natural Resources Protection Act for alteration of a stream to construct an irrigation pond. The general permit is deemed approved 30 days from the date an application is accepted for processing by the department, unless the applicant is notified that legal requirements have not been met. When eligibility criteria and specified standards are met, the general permit replaces the requirement for an individual permit under the Natural Resources Protection Act.

This law also requires the Department of Environmental Protection to report back to the joint standing committee of the Legislature having jurisdiction over natural resource matters concerning the effectiveness of the new general permit.

Finally, the law removes the 10-acre limit on the size of farm and fire ponds that are exempted from permitting under the site location of development laws.

Chapter 659 was enacted as an emergency measure effective April 10, 1996.